

Public and Indian Housing

Special Attention of:

#### Notice PIH 97-24 (HUD)

Public Housing Office Directors; Administrators, Offices of Native American Programs

Issued: May 8, 1997

Expires: May 29, 1998

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Cross References:

**Subject:** Processing Housing Agency Applications for the Family Unification Program - April 18, 1997 NOFA

Attached is the application review checklist for rating housing agency (HA) applications for the FY 97 family unification program funding. The checklist is divided into two parts: an initial screening checklist (Part 1) and a rating section for the four threshold criteria outlined in the FY 97 NOFA (Part 2). HUD State and Area Offices of Public Housing and Offices of Native American Programs must review and rate applications and send the information for the lottery via electronic mail to the Office of Rental Assistance, Attention: Diane A. Thompson (PIHPOST), no later than **August 8, 1997**.

For purposes of this Notice, the term HUD Office is defined to include the State and Area Offices and the Offices of Native American Programs. When a specific office, rather than all HUD Offices, is assigned the responsibility for a function, the appropriate office will be identified.

The HUD Reform Act requires that HUD make available for public inspection the documentation supporting the approval or disapproval of each application. In addition, the documentation must indicate the basis on which any award was made or denied. Accordingly, reviewers must ensure that their comments on the review checklists are adequate to support the points assigned under the four threshold criteria. The Director of the Office of Public Housing or the Administrator of Native American Programs Office should ensure that all reviewers within the HUD Office are consistent

in the documentation of the points assigned.

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Previous Editions Are Obsolete GPO 871 902

#### **Initial Screening of Applications:**

The HUD Office must complete the initial screening of applications at the time the applications are received. If an application is incomplete, the HUD Office must notify the HA in writing within 7 calendar days from the date of receipt of the HA's application so that the HA can correct any technical deficiencies within the 14-calendar day correction period. Curable technical deficiencies relate only to items that do not improve the substantive quality of the application relative to the threshold criteria. Notification of technical deficiencies must be uniform and in letter form. Uncorrected technical deficiencies will result in the application being rejected and the HUD Office must send a letter to the HA notifying the HA of the rejected application.

Section 213 of the Housing and Community Development Act of 1974 requires that HUD independently determine that there is a need for the housing assistance requested, and solicit and consider comments relevant to this determination from the chief executive officer of the unit of general local government. The HUD Office must send a written invitation to the chief executive officer of the unit of general local government to submit Section 213 comments in accordance with 24 CFR 791 subpart C. To ensure timely application processing, Section 213 comments must be solicited as soon as possible, since the regulations allow a 30-calendar day comment period from the date of the HUD Office letter.

#### Office of Fair Housing and Equal Opportunity Processing

The Office of Fair Housing and Equal Opportunity (FHEO) in the local HUD Office no longer reviews each HA application submitted in connection with the Section 8 rental certificate or rental voucher programs. Instead, FHEO reviews only applications from HAs that FHEO is monitoring based on past FHEO noncompliance with fair housing and equal opportunity requirements.

At least annually, the FHEO Office Director provides the names of HAs that are subject to FHEO compliance reviews and for which FHEO wants to review applications to the Public Housing Office Director. Upon receipt of those HA applications, the Public Housing Office Director must forward copies of the applications to the FHEO Director for FHEO review.

If the HUD office questions the validity of a civil rights certification, the HA's application may be funded, but the HUD Office must not permit requisition of the funds until the HA has satisfied any outstanding civil rights issues.

#### **Notification of Approvable Applications**

The HUD Office shall notify HUD Headquarters, Attention: Diane A. Thompson, Operations Division, Room 4220, 451 Seventh Street, S.W., Washington, DC 20410, of each application submitted in response to NOFA FR-4194 that it determines is approvable. Headquarters is to be notified of an approvable application no later than **August 8, 1997**. The HUD Office must

forward to Headquarters, by electronic submission, the following information on each approvable application:

- 1. Name and address of the HA;
- 2. Name and address of the Public Child Welfare Agency;
- 3. State Office, Area Office, or Office of Native American Programs contact person and telephone number.
- 4. The number of rental certificates in the HA application, and the minimum number of rental certificates the HA will accept and the corresponding budget authority acceptable to the HA [do not forward this fund reservation worksheet to Headquarters]; and,
- 5. A completed fund reservation worksheet for the number of rental certificates requested in the application. (A Lotus 1\*2\*3, version 2.3, file and instructions have been created for this purpose. The new fund reservation worksheet will be transmitted to each HUD Office). (Note: The Section 8 funds reserved must be consistent with the fund assignments. For example, if HUD Headquarters provides \$100,000 for an HA, then the reservation in HUDCAPS should reflect \$100,000 for that increment).

This information will be used by Headquarters to establish the pool of eligible applicants for the lottery. It is important that all information for each HA be provided in order for the HA to be included in the lottery.

#### **Selections:**

Headquarters will conduct a lottery for all applications received from the HUD Offices. Headquarters staff will conduct the lottery by randomly selecting the HAs until all the funds have been awarded. All HAs will be funded based on the number of units requested in the HAs' applications. If there are insufficient funds available to fund fully all the HAs selected, the award of funds to the last HA selected from the lottery will be reduced until all funds are awarded. Headquarters will limit to no more than 10 percent the amount of Section 8 budget authority awarded to the HAs in any state. In order to maintain the 10 percent limit, the last HA selected that exceeds the maximum budget authority will be awarded a reduced number of units and budget authority to the extent of the funding available and the HA's willingness to accept a reduced award.

Headquarters will assign funds to HUD Offices to cover HA applications approved by Headquarters for funding. Upon fund reservation, HUD Offices must obtain a congressional notification release date before mailing the application approval letter to the HA.

If you have any questions regarding the attached checklist or the rating and ranking process in general, please contact the Rental Assistance Division at (202) 708-0477.

\_\_Michael B. Janis for\_\_\_ Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing

Attachments

## PART ONE INITIAL SCREENING CHECKLIST FY 1997 FAMILY UNIFICATION NOFA APPLICATIONS

### FUNDING ALLOCATION RATING AND RANKING CHECKLIST FOR FY 1997 FAMILY UNIFICATION NOFA

NAME	OF AP	PLICA	NT:		•	
NAME OF REVIEWER:						
REVIE	WING	OFFIC	E:			
		be co	ial Screening of Applications for FAMILY UNIFICATION NOFA Empleted by Office of Public Housing or erican Programs Office)	Yes	No	N/A
	1.		ication received in appropriate HUD ce by 3 PM (local time), <b>June 17,</b>			
	2.	In reviewing applications, HUD Office agrees that:				
		(a)	The Department of Justice has not brought a civil rights suit against the applicant HA and there is no pending administrative action for civil rights violations instituted by HUD.			
		(b)	There has been no adjudication of a civil rights violation in a civil action brought against the HA by a private individual. (Check YES if the HA is operating in compliance with a court order, or implementing a HUD approved resident selection and assignment plan or compliance agreement designed to correct the areas of noncompliance).			
		(c)	There are no outstanding findings of noncompliance with civil rights statutes, Executive Orders, or regulations as a result of formal administrative proceedings, or the Secretary has not issued a charge against the applicant under the Fair Housing Act. (Check YES if the HA is operating under a conciliation or compliance agreement designed to			

(To be cor	al Screening of Applications for FAMILY UNIFICATION NOFA mpleted by Office of Public Housing or erican Programs Office)	Yes	No	N/A
(d)	HUD has not deferred application processing under title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 50.3) and the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1), or under Section 504 of the Rehabilitation Act of 1973 and related HUD regulations (24 CFR 8.57).			
(e)	The HA has no serious, unaddressed outstanding Inspector General audit findings, FHEO monitoring review findings, or HUD Office management review findings for one or more of its Rental Voucher, Rental Certificate or Moderate Rehabilitation Programs. (Check YES if the HA is required under the NOFA to apply for rental vouchers and/or certificates with another housing agency, contractor or non-profit agency and the contractor has sufficient experience to administer a rental voucher or certificate program.)			
(f)	The HA is not involved in litigation that may seriously impede the ability of the HA to administer an additional increment of rental vouchers and/or certificates.			

**STOP**. If the answer to any of the above questions is "NO," then the application is NOT ACCEPTABLE. If all above answers are "YES," then complete remainder of checklist.

	o be	itial Screening of Applications for FAMILY UNIFICATION NOFA completed by Office of Public Housing or Native American Programs)	YES	NO	N/A	Need Info.
2.	In r that	eviewing applications, HUD Office agrees:				
	(g)	The application package contains a signed, completed form HUD-52515.				
	(h)	The form HUD-52515 specifies the number of rental certificates requested.				
	(i)	The form HUD-52515 indicates by number of bedrooms the total number of rental certificates requested by the HA.				
	(j)	Information contained on form HUD-52515 demonstrates that the project is responsive to the condition of the housing stock in the community and the housing assistance needs of low income families (including large families and those displaced) residing in or expected to reside in the community.				
	(k)	The form HUD-52515 indicates that the applicant qualifies as a public housing agency and is legally qualified and authorized to participate in the rental assistance programs for the area in which the programs are to be carried out. Such demonstration includes: (i) The relevant enabling legislation, (ii) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (iii) a supporting opinion from the agency counsel. (Check YES if documents are currently on file in the HUD Office).				
	(1)	The form HUD-52515 indicates that the housing quality standards to be used in the operation of the program will be as set forth in 24 CFR 982.401 or that variations in the Acceptability Criteria are proposed or have been approved by the HUD Office. In the latter case, each proposed variation shall be specified and justified.				

	itial Screening of Applications for FAMILY UNIFICATION NOFA	YES	NO	N/A	Need Info.
	completed by Office of Public Housing or Native American Programs)				
2. In that	reviewing applications, HUD Office agrees				
(m)	The form HUD-52515 includes estimates of the average adjusted income of prospective participants for each bedroom size for each program.				
(n)	The application meets HUD's drug-free workplace requirements set out at 24 CFR part 24, subpart F. The form HUD-52515 includes an executed Certification regarding Drug-Free Workplace Requirements.				
(0)	The application meets HUD's regulations regarding the anti-lobbying set out at 24 CFR 87. The form HUD-52515 includes an anti-lobbying certification and, if warranted, disclosure of lobbying activities (SF-LLL).				
(p)	The application includes Section 213 comments. (If not, the HUD Office must request comments from local government providing a 30-calendar day comment period).				
(q)	The application package includes a cover letter which states whether the HA will accept a smaller number of rental certificates and the minimum number of rental certificates it will accept.				
(r)	The cover letter includes a statement by the HA certifying that the HA has consulted with the agency or agencies in the state responsible for the administration of welfare reform for families receiving rental assistance under the family unification program.				
(s)	The application package includes a letter of intent from the Public Child Welfare Agency (PCWA) stating its commitment to provide resources and support for the family unification program.				

Initial Screening of Applications for FAMILY UNIFICATION NOFA  (To be completed by Office of Public Housing or Office of Native American Programs)		YES	NO	N/A	Need Info.
(t)	The application package includes a certification from the HA agreeing to cooperate with HUD and provide requested data to the HUD office or HUD-approved contractor delegated the responsibility for the program evaluation.				
(u)	The application package includes a certification from the PCWA agreeing to cooperate with HUD and provide requested data to the HUD office or HUD-approved contractor delegated the responsibility for the program evaluation.				

Applications should be screened at the time they are received.

[ ] Pass - Continue Processing	[ ] Fail - Identify Deficiencies
[ ] Agree with Screening Results	Reviewer's Signature & Date  Supervisor's Signature & Date
(E.G., MISSING OR CORRECTED IN HA WITHIN THE ALLOWED $14\ \mathrm{DAY}\ \mathrm{F}$	SCREENING CHECKLIST MUST BE EXPLAINED. FORMATION WAS SUBSEQUENTLY RECEIVED FROM THE ERIOD AND WAS DETERMINED ACCEPTABLE). VIVIDUAL CHANGING THE CHECKLIST AND DATE OF
[ ] Disagree/change Screening Results	Supervisor's Signature & Date
Explanation for change:	

# PART TWO RATING SECTION SELECTION CRITERIA FY 1997 FAMILY UNIFICATION NOFA

NAME OF APPLICANT:	
REVIEWING OFFICE:	

#### Threshold Criterion 1: Unmet Housing Needs (50 points).

(i) Description: This criterion assesses the unmet housing need in the primary area specified in the HA's application compared to the unmet housing need for the allocation area. Unmet housing need is defined as the number of very low-income renter households with housing problems based on 1990 Census, minus the number of Federally-assisted housing units provided since the 1990 Census.

In awarding points under this criterion, HUD will, to the extent practicable, consider all units provided since the 1990 Census under the Section 8 Rental Voucher and Certificate programs, any other Section 8 programs, the Public and Indian Housing programs, the Section 202 program, and the Rural Housing Service's Section 515 Rural Rental Housing program.

- (ii) Rating and Assessment: The number of points assigned is based on the percentage of the allocation area's unmet housing need that is within the HA's primary area. State or Regional Housing Agencies will receive points based on the areas they intend to serve with this allocation, e.g., the entire allocation area or the localities within the allocation area specified in the application. The HUD Office will assign one of the following point totals:
- **50 points.** If the HA's percentage of unmet housing need is greater than 50 percent of the allocation area's unmet need.
- 45 points. If the HA's percentage of unmet housing need is equal to or less than 50 percent but greater than 40 percent of the allocation area's unmet need.
- 40 points. If the HA's percentage of unmet housing need is equal to or less than 40 percent but greater than 30 percent of the allocation area's unmet need.
- 35 points. If the HA's percentage of unmet housing need is equal to or less than 30 percent but greater than 20 percent of the allocation area's unmet need.

30 points. If the HA's percentage of unmet housing need is equal to or less than 20 percent but greater than 10 percent of the allocation area's unmet need.

**O points.** If the HA's percentage of unmet housing need is equal to or less than 10 percent of the allocation area's unmet need.

In accordance with Notice PIH 91-45, the HUD Office will notify the Rural Housing Service (RHS) of applications it receives and ask that RHS provide advisory comments concerning the market for additional assisted housing or the possible impact the proposed units may have on RHS projects. Applications for which RHS has provided comments expressing concerns about market need or the continued stability of existing RHS projects, with which HUD agrees, will receive zero points for this criterion.

Point Total for Threshold Criterion 1

Reviewer's Signature & Date

Reviewer's Comments:

Supervisory Review	
[ ] Agree with above rating	Supervisor's Signature & Date
ANY CHANGE TO FINAL POINT SCORE MU SCORE; NAME AND TITLE OF INDIVIDUA	
[ ] Change rating to:	Supervisor's Signature & Date
Explanation for change:	
FINAL POINT SCORE:	

NAME OF APPLICANT:	
REVIEWING OFFICE:	

Threshold Criterion 2: Efforts of HA to Provide Area-Wide Housing Opportunities for Families (60 points).

- **Description:** Many HAs have undertaken voluntary efforts to provide area-wide housing opportunities for families. The efforts described in response to this threshold criterion must be beyond those required by federal law or regulation such as the portability provisions of the Section 8 rental voucher and certificate programs. HAs in metropolitan and non-metropolitan areas are eligible for points under this criterion. The HUD Office will assign points to HAs that have established cooperative agreements with other HAs or created a consortium of HAs in order to facilitate the transfer of families and their rental assistance between HA jurisdictions. In addition, the HUD Office will assign points to HAs that have established relationships with non-profit groups to provide families with additional counseling, or have directly provided counseling, to increase the likelihood of a successful move by the families to areas that do not have large concentrations of poverty.
- (ii) Rating and Assessment: The HUD Office will assign point values for any of the following assessments for which the HA qualifies and add the points for all the assessments (maximum of 60 points) to determine the total points for this Threshold Criterion:

#### Points

- 10 points Assign 10 points if the HA documents that it participates in an area-wide rental voucher and certificate exchange program where all HAs absorb portable Section 8 families.
- 10 Points Assign 10 points if the HA certifies that its administrative plan does not include a "residency preference" for selection of families to participate in its rental voucher and certificate programs or the HA certifies that it will eliminate immediately any "residency preference" currently in its administrative plan.

- 10 Points Assign 10 points if the HA documents that HA staff will provide housing counseling for families that want to move to low-poverty or nonminority areas or if the HA has established a contractual relationship with a non-profit agency or the local governmental entity to provide housing counseling for families that want to move to lowpoverty or non-minority areas. The five HAs approved for the FY 93 Moving to Opportunity (MTO) for Fair Housing Demonstration and any other HAs that receive counseling funds from HUD (e.g., in settlement of litigation involving desegregation or demolition of public housing, mixed population projects) may qualify for points under this assessment, but these HAs must identify all activities undertaken, other than those funded by HUD to expand housing opportunities.
- 10 Points Assign 10 points if the HA documents that it requested from HUD, and HUD approved, the authority to utilize exceptions to the fair market rent limitations as allowed under 24 CFR 882.106(a)(4) to allow families to select units in low-poverty or non-minority areas.
- 10 Points Assign 10 points if the HA documents that it participates with other HAs in using a metropolitan wide or combined waiting list for selecting participants in the program.
- 10 Points Assign 10 points if the HA documents that it has implemented other initiatives that have resulted in expanding housing opportunities in areas that do not have undue concentrations of poverty or minority families.

Point Total for Threshold Criterion 2

Reviewer's Signature & Date

Reviewer's Comments:	
Supervisory Review  [ ] Agree with above rating	
[ ] Agree with above rating	Supervisor's Signature & Date
ANY CHANGE TO FINAL POINT SCORE MUSSCORE; NAME AND TITLE OF INDIVIDUAL	
[ ] Change rating to:	Supervisor's Signature & Date
Explanation for change:	
FINAL POINT SCORE:	

NAME OF APPLICANT:	
REVIEWING OFFICE:	
(2) <u>Threshold Criterion 3: Coordination Between HA and Public Child Welfare Agency (PCWA) to Identify and Assist Eligible Families.</u>	
The application must describe the method that the HA and the PCWA will use to identify and assist family unification eligible families. The application must include a letter of intent from the PCWA stating its commitment to provide resources and support for the program. The PCWA letter of intent and other information must include an explanation of: the method used to identify eligible families; the PCWA's certification process for determining family unification eligible families; the responsibilities of each agency; the PCWA assistance provided to families in locating housing units; the PCWA staff resources committed to the program; the past PCWA experience administering a similar program; and the PCWA/HA cooperation in administering similar program.	e c on
YES NO	
Reviewer's Comments:	
Reviewer's Signature & Date	

Supervisory Review

[ ] Agree with above rating				
	Supervisor's Signature & Date			
ANY CHANGE TO FINAL POINT SCORE MUSSCORE; NAME AND TITLE OF INDIVIDUAL	ST BE EXPLAINED. INDICATE NEW L CHANGING THE SCORE AND DATE.			
[ ] Change rating to:				
. ,	Supervisor's Signature & Date			
Explanation for change:				

NAME OF APPLICANT:
REVIEWING OFFICE:
(3) Threshold Criterion 4: Public Child Welfare Agency Statement of Need for Family Unification Program.
The application must include a statement by the PCWA describing the need for a program providing assistance to families for whom lack of adequate housing is a primary factor in the placement of the family's children in out-of-home care, or in the delay of discharge of the children to the family from out-of-home care in the area to be served, as evidenced by the caseload of the public child welfare agency. The PCWA must adequately demonstrate that there is a need in the HA's jurisdiction for the Family Unification program which is not being met through existing programs. The narrative must include specific information relevant to the area to be served about homelessness family violence resulting in involuntary displacement, number and characteristics of families who are experiencing the placement of children in out-of-home care or the delayed discharge of children from out-of-home care as the result of inadequate housing, and the PCWA's past experience in obtaining housing through HUD assisted programs and other sources for families lacking adequate housing.
YES NO
Reviewer's Comments:
Reviewer's Signature & Date

Supervisory Review

[ ] Agree with above rating	
	Supervisor's Signature & Date
ANY CHANGE TO FINAL POINT SCORE MU	
SCORE; NAME AND TITLE OF INDIVIDUA	L CHANGING THE SCORE AND DATE.
[ ] Change rating to:	
[ ] change rating to:	Supervisor's Signature & Date
Explanation for change:	

NAME OF APPLICANT:	
REVIEWING OFFICE:	
PART TWO	
THRESHOLD CRITERIA	FINAL POINT SCORE
#1- Unmet Housing Needs (maximum points	= 50)
#2- Efforts to Provide Area Wide Horo Opportunities for Families (maximum points = 60)	using
#3- Coordination Between HA and Pub Child Welfare Agency to Identi Eligible Families (Yes or No)	
#4- Public Child Welfare Agency Starof Need for family Unification (Yes	

An application is eligible for the lottery only if the application is scored 30 or more points for Threshold Criterion #1 and scored 10 or more points for Threshold Criterion #2 and if the answers to Threshold Criterion #3 and #4 are Yes.